IN THE HIGH COURT OF JUDICATURE,
ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.3264 of 2005

Dated: February 08, 2007

Between:

V. Venkateshwar, S/o. late V.V.R. Seshagiri Rao,
Aged about 43 years, working as Junior Assistant
At Sri Santosh Vidyaniketan High School, Bhongir,
Nalgonda District.

... Petitioner

And

The Government of Andhra Pradesh, rep. by its
Principal Secretary (SE) Department, Secretariat
Buildings, Hyderabad, and others.

... Respondents

Order:

Petitioner, a Junior Assistant in the fifth respondent-school, filed this Writ Petition seeking Mandamus to declare Memo No.20696/Ps-1/2004-1 School Education (PS) Department dated 10-01-2005, issued by the first respondent – Government as illegal and arbitrary and a consequential direction to the respondents to absorb him into grant-in-aid post in the fifth respondent-school.

2. Petitioner claims to have been appointed as Junior Assistant, in an unaided vacancy, in the fifth respondent-school on 15-06-1987. On the proposals submitted by the management for admitting the said post into grant-in-aid, Government has issued the impugned memo dated 10-01-2005, rejecting the same on the ground that the petitioner was appointed in unaided vacancy without prior permission from the competent authority. When the management has questioned the memo rejecting the proposal, by W.P.No.3331 of 2005, this court by order dated 08-02-2007, allowed the same and remitted the matter for fresh consideration and disposal, by placing the proposals before the High Level Committee constituted for the purpose of admission of posts into grant-in-aid in private schools.

3. The management has already filed a Writ Petition challenging rejection of the said post into grant-in-aid. Merely because the petitioner was appointed in an unaided vacancy, he cannot question the orders rejecting to admit the said post into grant-in-aid. However, as it is stated that the petitioner filed an appeal under Section 89 of the A.P. Education Act, 1982 (for short 'the Act') against the proceedings of the third respondent dated 12-10-2004, before the second respondent and the same is pending consideration, I dispose of the Writ Petition directing the second respondent to consider the said appeal and pass appropriate orders on merits, uninfluenced by any of the observations made by the Government in Memo No.20696/Ps-1/2004-1 dated

10-01-2005.

JUSTICE R. SUBHASH REDDY.

February 08, 2007
MRR